

# SENATE RECORD VOTE ANALYSIS

105th Congress  
1st Session

Vote No. 26

March 5, 1997, 5:48 pm  
Page S-1970 Temp. Record

## LOBBY ACT WAIVER FOR BARSHEFSKY/Passage

**SUBJECT:** A resolution to waive certain Lobby Reform Act provisions of the Trade Act as they may apply to the Barshefsky nomination . . . S.J. Res. 5. Passage.

### ACTION: JOINT RESOLUTION PASSED, 98-2

**SYNOPSIS:** S.J. Res. 5, a resolution to waive certain Lobby Reform Act provisions of the Trade Act as they may apply to the Barshefsky nomination, will waive for acting United States Trade Representative (USTR) Ambassador Charlene Barshefsky the provision that forbids the appointment of a USTR or Deputy USTR who has directly represented, aided, or advised a foreign government or foreign political party in a trade dispute or negotiation with the United States. That provision was enacted last year as part of the Lobbying Reform Act.

#### Those favoring passage contended:

The Lobbying Reform Act provision barring the appointment of a USTR or Deputy USTR who has represented a foreign government or political party in a trade dispute or negotiation with the United States may apply to the appointment of Ambassador Barshefsky to be USTR, though we do not believe that it does. She worked for Quebec and for Canada, providing legal advice on trade issues with the United States, but she never lobbied for or otherwise represented either in a dispute or negotiation. We admit that the case is not clear; the law could be construed as barring her appointment. However, we also note that when we passed the law she was already serving as Deputy USTR and was specifically exempted. We think that even if the law technically applies she should be able to retain her current exemption and become USTR. We therefore strongly support this waiver.

#### Those opposing passage contended:

The Lobbying Reform bill was passed last year due to the perception that lobbyists were buying influence. That perception, especially when foreign governments appeared to be buying influence, was (and is) extremely corrosive to our democracy. We realize

(See other side)

YEAS (98)				NAYS (2)		NOT VOTING (0)	
Republican (53 or 96%)		Democrats (45 or 100%)		Republicans (2 or 4%)	Democrats (0 or 0%)	Republicans (0)	Democrats (0)
Abraham	Hutchinson	Akaka	Johnson	Allard			
Ashcroft	Hutchison	Baucus	Kennedy	Lott			
Bennett	Inhofe	Biden	Kerrey				
Bond	Jeffords	Bingaman	Kerry				
Brownback	Kempthorne	Boxer	Kohl				
Burns	Kyl	Breaux	Landrieu				
Campbell	Lugar	Bryan	Lautenberg				
Chafee	Mack	Bumpers	Leahy				
Coats	McCain	Byrd	Levin				
Cochran	McConnell	Cleland	Lieberman				
Collins	Murkowski	Conrad	Mikulski				
Coverdell	Nickles	Daschle	Moseley-Braun				
Craig	Roberts	Dodd	Moynihan				
D'Amato	Roth	Dorgan	Murray				
DeWine	Santorum	Durbin	Reed				
Domenici	Sessions	Feingold	Reid				
Enzi	Shelby	Feinstein	Robb				
Faircloth	Smith, Bob	Ford	Rockefeller				
Frist	Smith, Gordon	Glenn	Sarbanes				
Gorton	Snowe	Graham	Torricelli				
Gramm	Specter	Harkin	Wellstone				
Grams	Stevens	Hollings	Wyden				
Grassley	Thomas	Inouye					
Gregg	Thompson						
Hagel	Thurmond						
Hatch	Warner						
Helms							

#### EXPLANATION OF ABSENCE:

1—Official Business  
2—Necessarily Absent  
3—Illness  
4—Other

#### SYMBOLS:

AY—Announced Yea  
AN—Announced Nay  
PY—Paired Yea  
PN—Paired Nay

that Ambassador Barshefsky is well qualified for this post, but we are not willing to start down the path of granting waivers. The problem with this course is shown by the fact that her work raised concerns with Senators from States along the U.S.-Canadian border, because those States have several serious trade disputes with Canada. Their concerns were only alleviated after they had discussions with her. Again, it is the problem of perception. We stand by the bill that we passed last year, and therefore must oppose this resolution.